

112TH CONGRESS  
2D SESSION

# H. R. 4041

To amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2012

Mr. BERMAN (for himself and Mr. MANZULLO) introduced the following bill;  
which was referred to the Committee on Foreign Affairs

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## A BILL

To amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Export Promotion Re-  
5       form Act”.

1 **SEC. 2. IMPROVED COORDINATION EXPORT PROMOTION**  
2 **ACTIVITIES OF FEDERAL AGENCIES.**

3 Section 2312 of the Export Enhancement Act of  
4 1988 (relating to the Trade Promotion Coordinating Com-  
5 mittee; 15 U.S.C. 4727) is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (5), by striking “and”  
8 after the semicolon;

9 (B) by redesignating paragraph (6) as  
10 paragraph (7); and

11 (C) by inserting after paragraph (5) the  
12 following:

13 “(6) in making the assessments under para-  
14 graph (5), review the proposed annual budget of  
15 each agency described in paragraph (5) before the  
16 agency submits that budget to the Office of Manage-  
17 ment and Budget and the President for inclusion in  
18 the budget of the United States submitted to Con-  
19 gress under section 1105(a) of title 31, United  
20 States Code; and”;

21 (2) in subsection (c)—

22 (A) by redesignating paragraphs (3)  
23 through (6) as paragraphs (4) through (7), re-  
24 spectively; and

25 (B) by inserting after paragraph (2) the  
26 following:

1           “(3) in conducting the review and developing  
 2           the plan under paragraph (2), take into account rec-  
 3           ommendations from a representative number of  
 4           United States exporters, in particular small busi-  
 5           nesses and medium-sized businesses, and representa-  
 6           tives of United States workers;”; and

7           (3) by adding at the end the following:

8           “(g) EXECUTIVE ORDER AND REGULATIONS.—The  
 9           President shall issue an executive order and such regula-  
 10          tions as are necessary to provide the chairperson of the  
 11          TPCC with the authority to ensure that the TPCC carries  
 12          out each of its duties under subsection (b) and develops  
 13          and implements the strategic plan under subsection (c).

14          “(h) DEFINITION.—In this section, the term ‘small  
 15          business’ means a small business concern as defined under  
 16          section 3 of the Small Business Act (15 U.S.C. 632).”.

17       **SEC. 3. EFFECTIVE DEPLOYMENT OF U.S. COMMERCIAL**  
 18       **SERVICE RESOURCES.**

19          Section 2301(c)(4) of the Export Enhancement Act  
 20          of 1988 (relating to the United States and Foreign Com-  
 21          mercial Service; 15 U.S.C. 4721(c)(4)) is amended—

22               (1) by redesignating subparagraphs (B)  
 23               through (F) as subparagraphs (C) through (G), re-  
 24               spectively;

1           (2) by striking “(4) FOREIGN OFFICES.—(A)  
2     The Secretary may” and inserting the following:

3           “(4) FOREIGN OFFICES.—(A)(i) The Secretary  
4     shall conduct a global assessment of overseas mar-  
5     kets to determine those with the greatest potential  
6     for increasing United States exports, and to redeploy  
7     the Commercial Service personnel and other re-  
8     sources on the basis of the global assessment.

9           “(ii) The assessment conducted under clause (i)  
10    shall take into account recommendations from a rep-  
11    resentative number of United States exporters, in  
12    particular small- and medium-sized businesses, and  
13    representatives of United States workers.

14          “(iii) Not later than 6 months after the date of  
15    enactment of the Export Promotion Reform Act, the  
16    Secretary shall submit to Congress results of the  
17    global assessment conducted under clause (i) and a  
18    plan for redeployment of Commercial Service per-  
19    sonnel and other resources on the basis of the global  
20    assessment.

21          “(iv) The Secretary shall conduct an assess-  
22    ment and redeployment described in clause (i) not  
23    less than once in every 5-year period.

24          “(B) The Secretary may”; and

1           (3) in subparagraph (F), as redesignated, by  
2       striking “is authorized, upon the request of the Sec-  
3       retary, to provide” and inserting “shall, upon the re-  
4       quest of the Secretary, provide”.

5   **SEC. 4. STRENGTHENED U.S. COMMERCIAL DIPLOMACY IN**  
6                   **SUPPORT OF U.S. EXPORTS.**

7       (a) DEVELOPMENT OF PLAN.—Section 207(c) of the  
8   Foreign Service Act of 1980 (22 U.S.C. 3927(c)) is  
9   amended—

10           (1) by inserting before the period at the end the  
11       following: “, including through the development of a  
12       plan, drafted in consultation with the ambassador to  
13       such country, the Director General of the United  
14       States and Foreign Commercial Service, and the  
15       heads of other Federal departments and agencies  
16       with export promotion programs acting through the  
17       Trade Promotion Coordinating Committee, for effec-  
18       tive diplomacy to remove or reduce obstacles to ex-  
19       ports of United States goods and services”; and

20           (2) by adding at the end the following new sen-  
21       tence: “The chief of mission shall, prior to imple-  
22       mentation of the plan required under this sub-  
23       section, submit to the Secretary such plan for review  
24       by the Secretary.”.

1       (b) ASSESSMENTS AND PROMOTIONS.—Section  
2 603(a) of the Foreign Service Act of 1980 (22 U.S.C.  
3 4003(a)) is amended, in the second sentence, by inserting  
4 before “and (with respect to” the following: “assessments  
5 (with respect to members of the Service with responsibil-  
6 ities relating to economic affairs) of the effectiveness of  
7 efforts to promote the export of United States goods and  
8 services in accordance with a commercial diplomacy plan  
9 developed pursuant to section 207(c),”.

10       (c) INSPECTOR GENERAL.—Section 209(b) of the  
11 Foreign Service Act of 1980 (22 U.S.C. 3929(b)) is  
12 amended—

13           (1) in paragraph (4), by striking “and” at the  
14 end;

15           (2) by redesignating paragraph (5) as para-  
16 graph (6); and

17           (3) by inserting after paragraph (4) the fol-  
18 lowing new paragraph:

19           “(5) the effectiveness of commercial diplomacy  
20 relating to the promotion of exports of United States  
21 goods and services; and”.

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